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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,

Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

In re:
USA SECURITIES, LLC,

Debtor.

Affects:
☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

USACM LIQUIDATING TRUST,

Plaintiff,

v.

TANAMERA RESORT PARTNERS, LLC,

Defendant.

Case Nos.:
BK-S-06-10725-LBR
BK-S-06-10726-LBR
BK-S-06-10727-LBR
BK-S-06-10728-LBR
BK-S-06-10729-LBR

JOINTLY ADMINISTERED
Chapter 11 Cases

Judge Linda B. Riegler

Adversary No. 08-1129

**NOTICE OF HEARING ON
MOTION SEEKING THE
APPROVAL OF THE
SETTLEMENT AGREEMENT
BETWEEN THE USACM
LIQUIDATING TRUST AND
TANAMERA RESORT
PARTNERS, LLC**

Hearing Date: June 12, 2009
Hearing Time: 9:30 a.m.

1 **NOTICE IS HEREBY GIVEN** that a Motion for Approval of Settlement Pursuant to
2 Rule 9019 of the Federal Rules of Bankruptcy Procedure (the “Motion”) was filed on May 20,
3 2009 by the USACM Liquidating Trust (the “USACM Trust”) [Dkt. No. 7131]. The Motion
4 seeks entry of an order approving the proposed settlement between the USACM Trust and
5 Tanamera Resort Partners, LLC.

6 **NOTICE IS FURTHER GIVEN** that if you do not want the Court to grant the relief
7 sought in the Motion, or if you want the Court to consider your views on the Motion, then you
8 must file an opposition with the Court, and serve a copy on the person making the Motion *no*
9 *later than 15 days* after the date of this Notice. If the hearing date has been set on less than 15
10 days’ notice, then the opposition must be filed and served *no later than 5 business days* before
11 the hearing. The opposition must state your position, set forth all relevant facts and legal
12 authority, and be supported by affidavits or declarations that conform to Local Rule 9014(c).

13 If you object to the relief requested in the Motion, you *must* file a **WRITTEN** response
14 to the Motion with the Court. You *must* also serve your written response on the person who sent
15 you this notice.

16 If you do not file a written response with the Court, or if you do not serve your written
17 response on the person who sent you this notice, then:

- 18 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 19 • The Court may *rule against you* without formally calling the matter at the hearing.

20 **NOTICE IS FURTHER GIVEN** that the hearing on the said Motion will be held before
21 the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley Federal Building,
22 300 Las Vegas Boulevard South, Third Floor, Bankruptcy Courtroom No. 1, Las Vegas, Nevada
23 89101 on **Friday, June 12, 2009, at 9:30 a.m.**

1 Dated: May 21, 2009

2 **DIAMOND MCCARTHY LLP**

3 By: /s/ Eric D. Madden

4 Allan B. Diamond, TX 05801800 (pro hac vice)

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9 *USACM Liquidating Trust*

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the law firm of DIAMOND MCCARTHY LLP, and that on the 21st day of May 2009, I served a true and correct copy of the foregoing **NOTICE OF HEARING ON MOTION SEEKING THE APPROVAL OF THE SETTLEMENT AGREEMENT BETWEEN THE USACM LIQUIDATING TRUST AND TANAMERA RESORT PARTNERS, LLC** (a) by electronic transmission to (i) all parties on the USACM Post-Effective Date Service List Dated March 31, 2009 and (ii) counsel for Tanamera, Leigh Goddard, at lgoddard@mcdonaldcarano.com.

/s/ Catherine A. Burrow, CLA
Catherine A. Burrow, CLA
Diamond McCarthy LLP